

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

SHARON J. SHAW,

Plaintiff,

vs.

JO ANNE B. BARNHART, Commissioner
of Social Security,

Defendant.

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CIVIL ACTION NO. 05-0059-P-D

ORDER ADOPTING THE REPORT AND
RECOMMENDATION OF THE MAGISTRATE JUDGE

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed (see doc.18), the Report and Recommendation of the Magistrate Judge made pursuant to 28 U.S.C. § 636(b)(1)(B) and dated December 8, 2005 (doc.17), is ADOPTED as the opinion of this court.

Accordingly, it is ORDERED that the Report and Recommendation of the Magistrate Judge be and is hereby ADOPTED as the opinion of this court and that this action be and is hereby REVERSED and REMANDED to the Social Security Administration, pursuant to sentence four of 42 U.S.C. § 405(g), see Melkonyan v. Sullivan, 501 U.S. 89 (1991), for further administrative proceedings consistent with this opinion (see doc.17, p.21 (“for specific identification of the plaintiff’s severe impairments, determination of her residual functional capacity, and presentation of a complete hypothetical questions to a VE.”)).

This Remand pursuant to sentence four of § 405(g), makes plaintiff a prevailing party under the Equal Access to Justice Act, 28 U.S.C. § 2412, see Shalala v. Schaefer, 509 U.S. 292

(1993), and terminates this court's jurisdiction over the matter.

DONE the 27th day of December, 2005.

S/Virgil Pittman
SENIOR UNITED STATES DISTRICT JUDGE